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March 15, 2023

VIA ECF

Hon. Louis L. Stanton
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Kathryn Townsend Griffin, et al. v. Edward Christopher Sheeran, et al., No. 17-cv-5221

Dear Judge Stanton:

On behalf of the Defendants in this action, and in accordance with Rule 3(B) of Your Honor's Individual Practices and the Standing Order entered in 19-mc-00583, we submit this letter-motion to seal and redact certain proprietary, confidential and sensitive financial information set forth in (a) the Pretrial Order for the potential damages phase of trial (the "Damages PTO"), (b) Defendants' Proposed Special Verdict Form for the potential damages phase of trial (the "Special Verdict Form") and (c) the expert declaration of Defendants' damages expert, Barry Massarsky (the "Massarsky Declaration," together with the Damages PTO and the Special Verdict Form, the "Pretrial Filings"), which Pretrial Filings have been filed today in accordance with the October 26, 2022 Scheduling Order.

In particular, the Pretrial Filings include proprietary, confidential, sensitive and nonpublic revenue, expense and income tax information for each of the Defendants, and Defendants request to redact – and keep under seal – only those portions of the Pretrial Filings that recite specific dollar figures. This trial has been bifurcated, and there has been no finding of liability; however, because these filings must precede the bifurcated trial, this very private financial information, of necessity, is included in the Pretrial Filings.

These exceedingly narrow proposed redactions are necessary to preserve proprietary, non-public confidential information in which the public has no legitimate interest. Mr. Sheeran is a private individual and although defendants Atlantic Recording Corporation ("Atlantic") and Sony Music Publishing LLC (f/k/a Sony/ATV Music Publishing LLC) ("SMP") are owned, directly or indirectly, by public companies, neither company publicly discloses the granular and specific artist/writer and album track level of detail set forth in the Pretrial Filings. Further, the information Defendants seek to redact represents highly confidential financial information relating to the relationship that Atlantic and SMP, respectively, have with Mr. Sheeran and with the United Kingdom companies with which Mr. Sheeran has his own direct contracts.



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Courts routinely permit the sealing and redaction of financial information like that at issue on this application. *See, e.g., Kewazinga Corp. v. Microsoft Corp.*, No. 18-cv-4500 (GHW), 2021 WL 1222122, at *3 (S.D.N.Y. Mar. 31, 2021) (“Courts commonly find that documents that contain ... revenue information ... satisfy the sealing standard”) (citations & quotations omitted); *Cumberland Packing Corp. v. Monsanto Co.*, 184 F.R.D. 504, 506 (E.D.N.Y. 1999) (“Documents falling into categories commonly sealed are those containing ... revenue information, pricing information, and the like”); *Tyson Foods, Inc. v. Keystone Foods Holdings, Ltd.*, No. 19-cv-10125 (ALC), 2020 WL 5819864, at *2 (S.D.N.Y. Sept. 30, 2020) (sealing exhibits that included, among other things, confidential “revenue information”); *Playtex Products, LLC v. Munchkin, Inc.*, No. 14-cv-1308 (RJS), 2016 WL 1276450, at *11 (S.D.N.Y. Mar. 29, 2016) (granting request to redact limited information in legal filings relating to, among other things, “sales and revenue”). Consistent with this well-established law, Defendants respectfully request that their application to seal and redact confidential revenue, expense and tax information be granted.

Because this trial is bifurcated, Defendants believe it is premature (and from Defendants’ perspective, hopefully it will never be necessary) to consider how to address this information should a trial with respect to damages be required following the trial on liability.

Finally, Defendants have conferred with Plaintiffs, and Plaintiffs have advised they “don’t have any objection” to this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Zakarin", written over a horizontal line.

Donald S. Zakarin

Cc: Counsel of Record